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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,252	07/25/2000	Jean M. McManus	Bell-33	7622

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ART UNIT	PAPER NUMBER
2153	6

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/625,252	MCMANUS, JEAN M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anita Choudhary	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 July 2000.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 July 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

Claims 1-25 are pending.

### ***Priority***

No claim priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in the application is July 25, 2000.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHale et al. (US 5,905,781) in view of Douglis et al (US 6,587,877).

In referring to claim 1, 12, and 20 McHale shows a communications system including plurality of XDSL transceiver units and a system controller operable for selecting an available XDSL transceiver unit in response to detected request. McHale shows network having at least one terminal (subscribers, fig. 1 item 12) and at least two communication links (fig. 4 item 152).

McHale also shows:

- Accepting data from the network (data service request, col. 7 lines 37-52).
- Determining if data is for establishing a connection (col. 7 lines 49-52).
- If data is for establishing a connection, selection one of the communication links (col. 7 lines 53-56).

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- Assigning the selecting one of the links to a session (col. 7 lines 56-60).
- Forwarding the data to the selected communication link (col. 7 lines 56-63).

Although McHale shows substantial features of the claimed invention, McHale does not show selecting a communication link based on policy. Nonetheless this feature is well known and would have been an obvious modification to the system disclosed by McHale as evidenced by Douglis.

In an analogous art, Douglis shows a system of managing communications between host and network by determining the type of network connection to be made (col. 6 lines 12-20). Douglis shows these communication decisions are based on policy (budget cost, col. 7 lines 40-56). Douglis also shows determining if data accepted is part of a established connection by allowing the use to postpone request to another time (col. 7 lines 56-67).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by McHale to employ the features shown by Douglis in order for user to control cost of operations at the time of operations (see Douglis col. 8 lines 42-56).

Claim 2-11, 13-19, and 21-25 is rejected under 35 U.S.C. 103(a) as being unpatentable over McHale et al. (US 5,905,781) in view of Douglis et al (US 6,587,877) in further view of Mamakos (RFC 2526: “A Method for Transmitting PPP Over Ethernet”).

Although McHale in view of Douglis show substantial features of the claimed invention, they do not show PPPoE. Nonetheless PPPoE is well known method of transmitting multi-protocol packets over a point-to-point link.

In an analogous art, Mamakos shows a method for sending PPPoE frames (section 4).

Given the standard protocol of PPPoE a person of ordinary skill in the art would have realized the advantages of modifying the system shown by McHale in view of Douglis to employ PPPoE in order to connect multiple hosts to a remote site in a cost effective manner (see Mamakos section 1 Introduction).

In referring to claim 3, Mamakos shows the act of determining whether connection is new or an established connection is based on Ether-type field of the PPPoE frame (section 3, section 4 Payloads, ETHER\_TYPE).

In referring to claim 4, Mamakos shows PPPoE discovery initiation packet is for establishing a connection (sec. 5 Discovery Stage, sec. 5.1 PADI).

In referring to claim 5, Mamakos shows a packet selected from a group of packets consisting of a PADO packet (section 5.2), and PADR packet (section 5.3), PADS packet and a session stage packet (section 5.4).

In referring to claim 6 and 17, Mamakos shows in establishing a connection storing the selected on of the at least two communications links and an associated session ID (section 4, payloads- session ID).

In referring to claim 7, Mamakos shows in establishing a connection, storing a terminal ID.

In referring to claim 8, 19, and 24, Douglis shows policy wherein communication link is selected from a group of function consisting of traffic, past selection states, terminal source of accepted data, user, time present states (col. 7 lines 36-51 and col. 8. lines 19-42).

In referring to claim 9, Mamakos shows determining that data is part of an established connection and that the data is a request to terminate the connection, then freeing the communication link (sec. 5.5 PADT).

In referring to claim 10, Dougulis shows freeing the selected one of the at least two communications links and permitting the stored selected one of the at least two communications links and the associated session ID to be over written (col. 8 lines 19-42, col. 9 lines 16-27, see also Mamakos section 5.5).

In referring to claim 11, Dougulis shows connection is a connection to a session server (fig. 1, 24 UI Server, col. 4 lines 21-25).

In referring to claim 13, Mamakos shows receiving session offer (PADO packet), forwarding the session offer towards the terminal which requested the session (section 5.2).

In referring to claim 14, Mamakos shows receiving a session acceptance (PADR) from the at least one terminal, forwarding the session acceptance to the assigned one of the at least two communication links (section 5.3).

In referring to claim 15, Mamakos shows receiving data associated with session identification and forwarding the data to the selected communication link (sec. 6).

In referring to claim 18, McHale shows forwarding session request to a communication link, and forwarding the session request (col. 7 lines 37-42) and the assigned communications link to a line forwarding process (communication server)

And forwarding the session request from the line forwarding process to the assigned communication link (fig. 4, 152).

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In referring to claim 21, Mamakos shows a link termination unit, each link termination units terminating an associated one of the communication links (sec. 5.5 PADT)..

In referring to claim 22, McHale shows each link termination units as a DSL terminating unit-remote (col. 12 lines 4-24).

In referring to claim 23, Douglis shows storage device for storing policies used for selecting one of the communication links to select (fig. 2, 27, col. 6 lines 12-20).

In referring to claim 25, Douglis shows a means for managing the policies stored in the storage device (communication manager 30, col. 6 lines 38-49).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC  
August 22, 2003



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